



## If You Want to Beat the Crowd

you must save yourself from unnecessary shock.

Your nerves and your muscles, your brain and your whole physical being are kept from wasteful jolts and jars when you wear

**O'Sullivan's**  
**HEELS**  
OF  
**New Live Rubber.**

They are worn by hustlers everywhere, because a hustler must save his strength for the big job—not waste it pounding hard heels on hard pavements.

Say "O'Sullivan's" to your shoemaker, then get out and walk. The New Live Rubber with the spring in it will give you ease and pleasure in your progress, and will make walking a delight. You will be able to do twice as much work with much less effort.

**At your shoemaker's**  
**50c attached**

bino can tell a story that will prove the error of the criticism; for Luigi learned the lesson well, spelling it out on the treadmill of prison routine and prison labor. In 1908 he was given six years in the New Jersey State prison for having in his possession and passing counterfeit five-dollar certificates. A year later he applied for pardon, and it was granted, because the attorney who prosecuted him learned from evidence brought forward after the conviction that Luigi had been the victim of a case of mistaken identity. He had served more than twelve months for an offense committed by another man.

Mr. Taft clipped five months from a two-year term of imprisonment because of the direction a flying piece of steel had taken. Alfred A. Hartegan had been sent up for two years for forging a check in Alaska. When he was at work on a concrete wall in the prison on Puget Sound, a piece of steel from a drill lodged in his eye, destroying that eye and injuring the sight of the other. Hartegan was pardoned on the theory that his injury entitled him to five months' commutation.

Now and then it happens that a district attorney will come forward with the plea for clemency for a convict on the ground that the prisoner made important disclosures affecting other cases and at the same time did not try to conceal his own guilt. When this is done, a pardon is frequently obtained.

Many cases arise affecting national banks. Under the statute, the minimum confinement for taking money from a national bank is five years, and frequently it is recognized by all concerned that such a term is too long when the offense can in any way be condoned. Thomas W. Harvey was given seven years for making false entries in the books of a bank at Allegheny, Pennsylvania. When he applied for clemency, it was proved that he made the false entries by direction of the cashier without any knowledge on his part that the transactions were wrong or intended to deceive; that, at the time of his wrongdoing, he had one thousand dollars of his own money on deposit in the bank; and that he was of great aid to the Government in straightening out the affairs of the bank. His application for pardon was indorsed by a large number of depositors of the bank. Taft commuted his sentence to three, instead of seven, years.

The chief executive has listened oftener to the cry of the poverty-stricken than to the voice of the well-to-do. His pardon record contains many instances of his willingness to go to the relief of either those whose defense suffered as a result of their poverty or those whose families were unable to live without the help of the convicted men. Robert Lee, for instance, was fined a thousand dollars and given six months in jail for illicit distilling. Upon the showing that his family was entirely dependent upon him for support and that he was too poor to pay the fine, he was released after serving the six months.

David Byington, a Choctaw Indian, was sent up for life for murder that it was alleged he had committed in Indian Territory in 1897. On February 15, 1910, Mr. Taft commuted the sentence "to expire immediately" on the showing of these facts: Byington was only fifteen years old at the time the murder was done; he protested his innocence; the court proceedings were imperfectly understood by him; and, owing to his ignorance and poverty, he was unable to put in a proper defense; and he had contracted a severe case of tuberculosis when imprisoned.

**M**ANY pardons are granted simply for the purpose of restoring civil rights. This action is taken after the sentence has been served and a sufficient interval has elapsed to show that the petitioner has led an upright and useful life since his incarceration. Of the pardons granted to offenders who have not served their full terms, there are two classes, conditional and unconditional.

The unconditional are sweeping pardons, restoring to the petitioners their liberty and rights. Conditional pardons are granted on the stipulation that the offenders shall do a certain thing,—such as the restoring of money or papers stolen, or giving of evidence that would help in the prosecution by the Government of other cases.

In the main, mercy goes invariably to first offenders, to those whose consciences tell them they are entitled to consideration, to those whose habits of thought lead them to a desire for another chance "to make good." Precious little time is wasted on men serving terms for second offenses.

The cases cited in this article give an idea of the multiplicity of things that may lead to the extension of clemency; but they prove that an argument good in one instance may be of no avail in another. Above all things, the applicant for pardon or commutation of sentence must have a reason for the benefi-

cent action being taken. He must say: "Later evidence has raised a reasonable doubt as to my guilt," or—

"I have served enough time to punish myself and to set an example to the community; and my wife and children are starving," or—

"The law under which I was convicted has been declared unconstitutional," or—

"The men convicted with me were given lighter sentences than mine, and mine is out of all proportion to the offense committed," or—

"While my offense was great, it was unintentional, and I have learned my lesson," or—

"Since I came to prison, I have contracted tuberculosis, or some other contagious disease that makes my death imminent and endangers the health of those with whom I am imprisoned."

Any of these excuses may obtain the pardon; or all of them together, with the exception of the third, may fail. And any day there may come up, and does come up, an

## A CAPTAIN UNAFRAID

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(five thousand dollars was the ordinary price), where he was to land. When the filibusters and their arms had all been put ashore they would find themselves surrounded by a concealed force of waiting Spanish troops, and in a few minutes they were massacred to a man; for no prisoners were ever taken in such cases. It seems incredible that Captains could be found who were vile enough to sell men's lives for a few paltry dollars,—to take patriots to what they knew was certain death; to travel with them as shipmates for days and then put them ashore, knowing they would be murdered in half an hour,—but there were a number who did it. Of course these villainous Captains suffered no injury: that was part of the agreement. If it was necessary for the sake of appearance to seize the ship that landed the filibusters, the vessel was invariably released within a few days, and the Captain was given a bonus to compensate him for his polite detention.

**I**N consequence of the activity of the horde of spies and their willingness to hand out money to anyone who would betray a secret, there was much treachery, though never among the Cubans who had anything to do with the organization, and for some months things went strongly against Palma. Gomez and Maceo were calling for arms and supplies with which to continue the war; but none could be delivered to them. Numerous expeditions were planned; but all of them were either held up just as they were ready to sail, sunk at sea, or run into traps when they reached Cuba, involving great and unnecessary loss of life, heavy and useless drains on the revolutionary treasury, and bitter disappointments to the rebels.

In January, 1896, the steam fisherman Hawkins, under Captain Hall, was sent away from Montauk Point with a cargo of arms and a party of Cubans who were going down to join Gomez. Her seacocks were treacherously opened a few hours after her departure, and she sank off the south shore of Long Island, carrying down Jack Lynch, the chief engineer, and ten men. The man who was paid to sink the ship went down with her; but I have always suspected that he did not meet death by drowning. The cargo, of course, was a total loss.

About the same time it was discovered that the Captain of the Commodore, which, after having been held up for a long while at Charleston, was then lying at Wilmington, had accepted five thousand dollars to reveal to the Spaniards the landing place of an expedition he was preparing to take out. On learning this, Horatio Rubens went to Wilmington, "borrowed" from the Captain all he had left of the bribe, which was two hundred dollars (he had sent the rest to a relative in Brooklyn), and kicked him off the ship. This Captain subsequently admitted that he had received five thousand dollars from the Spaniards; but insisted that he had intended to "double-cross" them by telling them he was bound for some point far away from his real destination. He was drowned in the Gulf of St. Lawrence in the spring of 1900, when bringing a ship around from the lakes to New York.

In that same ill-fated month of January, 1896, a cargo of arms was seized on the steamship Bermuda when she was lying off Bedloe Island in New York Harbor, just as she was about to sail for Cuba with General Calixto Garcia, who was known in the Ten Years' War as "The Terror," and several other prominent Cubans. There was a Pinkerton man on the Bermuda, who sent in

entirely new set of circumstances warranting the pardon or the commutation of sentence.

The President realizes that nothing is more important than to be merciful where mercy is possible and right. Having been a Judge himself, however, and being imbued with the importance of upholding the courts, he is anxious not to extend undeserved kindness. He remembers that he is sworn to uphold, not to subvert, the law. It is for these reasons that he studies the pardon cases in solitude and with tremendous application. It is for the same reason that he allows neither the grief of women nor the voice of the public to draw him away from calm consideration of the facts. His attitude toward the seekers of mercy is the capstone of a splendid system that gives to every offender equal chances, a fair show, and a square deal.

He hears the cries of all,—the thief, the murderer, the illicit distiller, the smuggler, the burglar. He gives to no criminal an advantage on account of previous distinction.

reports of everything that happened, and it was on information furnished by him that she was detained, an hour before she was due to sail. Her collection of hostile hardware was put ashore under guard, and was not released until May, 1898; and to prevent any possibility of the expedition getting away the ship also was seized and deputy United States Marshals were placed in charge of her. She was subsequently released, and before she finally sailed another cargo was spirited on board. It included twenty-five hundred rifles, a twelve-pounder Hotchkiss field gun, fifteen hundred revolvers, two hundred short carbines, one thousand pounds of dynamite, twelve hundred machetes, and an abundance of ammunition. All of the stuff was packed in boxes marked "codfish" and "medicines."

General Garcia, who was one of the few men who have ever escaped from the terrible Spanish prison at Ceuta, Morocco, had made several attempts to get to Cuba and take a hand in the war, and this last disappointment completely disheartened him, as it did most of the Cubans. There was still more trouble in store for him; for on March 13, nearly two months after the seizure of the cargo, General Garcia, Benjamin J. Guerra (treasurer of the New York revolutionary delegation), Bernardo J. Bueno, John D. Hart (owner of the Bermuda), Captain John Brabazon (master of the ship), and Samuel Hughes (a navigator employed by the Cubans) were indicted in the federal court for engaging to sail on a filibustering trip to Cuba. They were arrested at once and placed under bonds of twenty-five hundred dollars each. This discouraging development so added to their anxieties that it made them desperate.

**T**HE next day, March 14, which was Saturday, Hart sent for me and asked me to take command of the expedition. He explained the situation in detail, and did not attempt to conceal its dangers, as they appeared to him; though, having been in the same business before, I knew more about that part of it than he did. He said the Cubans were extremely depressed by the continued disasters that treachery had brought upon them, and that unless this expedition could be cleared and safely landed he feared they would be forced to abandon their fight for liberty. He paid me the compliment of expressing confidence that I could perform the task. General Garcia, he said, intended to jump his bail and go with the ship, and he pointed out that the arrival of the famous old fighter in Cuba, with a large cargo of arms, would put new life into the revolution. He offered me five hundred dollars for the trip; the depleted treasury preventing him from paying more.

Financially, the proposition did not appeal to me at all; but that was the least interesting feature of it. Any sort of filibustering expedition would have tempted me away from prosaic piloting, provided it offered any reasonable amount of adventure; but, above and beyond my natural inclination in that direction, my sympathies were strongly with the Cubans, and I had more than once thought of offering them my services. Here was a chance to be of real service to them, at the time when they were most in need of an honest man who knew his business; so Hart did not have to wait long for my acceptance of his overtures.

"When will you be ready to start?" he inquired.

"I'm ready now," I told him. "Clear the ship for Vera Cruz, Mexico, and we will sail